

REMARKS

Reconsideration of the subject patent application is respectfully requested.

At the time of the first Office Action, claims 1-20 are pending in the application and claims 1-11 and 13-20 have been rejected. Claim 12 is objected to and the Examiner has indicated that this claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

More specifically, claims 13 and 14 are rejected under 35 U.S.C. §102(b) as being anticipated by Ridgway (Patent No. 2,283,948). Claims 17 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Schulz et al. (Patent No. 4,745,993). Claims 1-9 and 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schulz et al. in view of Ridgway.

In response to this Office Action, independent claims 1, 13 and 17 have each been amended in a similar fashion in order to recite that the frame assembly includes a movable support and that the linear actuator is assembled to that movable support. Claims 11 and 12 have also been amended simply for uniformity with the amending changes made to claim 1. Support for these amending changes to independent claims 1, 13, and 17, can be found on pages 9 and 10 of the specification and with reference to drawing Figures 18-24, principally drawing Figure 23. As is described on page 9 of the specification, the linear actuator is anchored to pressure plate 92. On page 10 of the specification, it states that the pressure plate 92 (with its base 94) is able to slide in the direction of back plate 93.

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Ridgway does not disclose a linear actuator nor is there any movable support disclosed, noting that the diaphragm structure and its associated housing and other components are all fixed. While the diaphragm itself is able to move, the housing and enclosure for that diaphragm are fixed. While there is a spring included in Ridgway, this spring is used for return of the arm, not as part of a biasing structure.

Schulz et al. does not mention a linear actuator, even though the Examiner has elected to try and equate the referenced pneumatic cylinder 28 of Schulz et al. to a linear actuator structure. However, Schulz et al. does not have any type of structure that would (or could) correspond to the movable support as recited in independent claims 1, 13 and 17.

In Schulz et al., every indication is that the pneumatic cylinder is securely and rigidly fixed to the frame. It will also be noted that Schulz et al. does not disclose any type of spring structure, spring return, or biasing spring. This leaves us with the possible combination of Ridgway and Schulz et al. However, since neither reference discloses nor suggests any type of movable support in cooperation with a linear actuator, it is Applicant's position that independent claims 1, 13, and 17 are clearly allowable over the art of record. Additionally, new claim 21, which is a combination of claims 1, 10, 11, and 12, should be allowable based upon the Examiner's indication of allowability as part of the "objected to" status of claim 12.

In Applicant's claimed invention, a linear actuator is used to apply the force to the chain wheel for contact against the vehicle wheel. For several reasons, the use of a linear actuator is preferred. However, with a fixed stroke length and typically either an "on" or "off" status, energizing of the linear actuator causes the actuator arm to be fully extended

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(i.e., a full stroke). This is described on page 10 of the specification, generally in lines 5-10.

In the Ridgway device, the variable air pressure allows the diaphragm to deflect proportionately to the air pressure and thus the option to select the length of arm movement for the corresponding force. The referenced spring of Ridgway is only used to return the arm to a retracted condition. Not only is a movable support not disclosed in Ridgway, nor is there any suggestion as to that structure, there is no reason to have it.

In Schulz et al., the pneumatic cylinder also has the ability to set the desired stroke for the desired force. As greater pneumatic pressure is introduced, the piston and arm simply move farther in the desired direction. Applying pneumatic pressure to the opposite side of the piston allows the arm to retract. The extent of movement of the arm will of course define the selected stroke and thus the desired force. Since a reverse applied pressure can be used to retract the arm, there is no disclosure of any spring, biasing or otherwise, and there is no disclosure nor any suggestion of a movable support. As with Ridgway, Schulz et al. would not need to have any type of movable support based on its current structure.

In consideration of the significant differences between Ridgway and Schulz, considering their corresponding structures and teachings, there does not appear to be any valid or plausible way to actually combine features of these two references without significantly destroying the overall essence of either one or both inventions. Regardless of the Examiner's opinion with regard to the ability of one to combine features of Ridgway and Schulz et al., neither reference discloses nor suggests the recited movable

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support and neither disclosure recites connection of a "linear actuator" to such a movable support.

Accordingly, claims 1-21 are in condition for allowance.

In view of the addition of one (1) independent claim, an additional filing fee of \$125 has been calculated and a credit card authorization in that amount is being submitted with this Amendment Response.

Respectfully submitted,

By James M. Durlacher
James M. Durlacher, Reg. No. 28,840
Woodard, Emhardt, Moriarty,
McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

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